

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

DAVID RANDLESTON,  
Defendant.

No. CR 05-0217 SI

STIPULATION AND (PROPOSED)  
ORDER CONTINUING HEARING  
AND EXCLUDING TIME

**STIPULATION**

The parties in the above-captioned matter appeared before the Court on August 12, 2005 for a hearing on the defendant's motion to suppress. The matter was re-scheduled until September 23, 2005. In the interim, defense counsel was either out of the district or ill from August 13-30 and September 12-16, 2005. The parties have identified an outstanding issue regarding the United States intended seizure of DNA evidence from the defendant. In order to avoid needless litigation before the court, the parties have initiated settlement discussions regarding that issue as well as comprehensive negotiations. Accordingly the parties request that the hearing set for September 23, 2005 be continued until October 7, 2005 at 11:00 a.m.

It is so stipulated.

DATED: September 21, 2005

/S/  
RONALD TYLER  
Assistant Federal Public Defender  
Counsel for David Randleston

1 DATED: September 22, 2005

/S/  
2 THOMAS MAZZUCCO  
Assistant United States Attorney

3 I hereby attest that I have on file all holograph signatures for any signatures indicated

4  
5 **ORDER**

6 The Court finds as follows:

7 The ends of justice are served by granting the requested continuance, given that failure to do so  
8 would deny counsel for the defendant the reasonable time necessary for effective preparation, taking  
9 into account the exercise of due diligence.

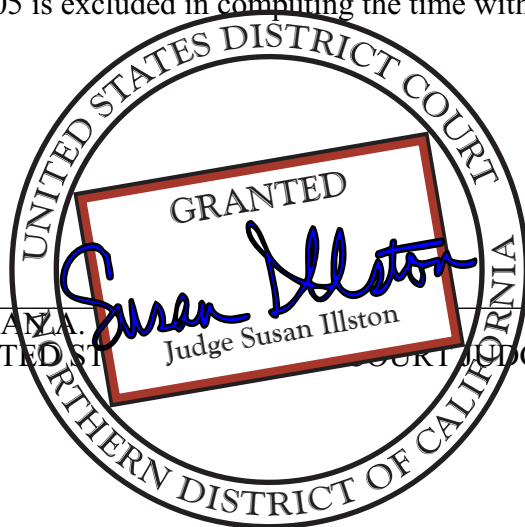
10 The aforementioned ends of justice outweigh the best interest of the public and the defendant in  
11 a speedy trial.

12 Accordingly, this matter is continued until October 7 at 11:00 a.m. Pursuant to the Speedy  
13 Trial Act, Title 18 United States Code §§3161(h)(8)(A) and 3161(h)(8)(B)(iv), the period from  
14 September 23, 2005 until October 7, 2005 is excluded in computing the time within which the trial  
15 of this matter must commence.

16 IT IS SO ORDERED.

17  
18 DATED:

19 SUSAN A. ILLSTON  
20 UNITED STATES DISTRICT COURT  
21 JUDGE  
22  
23  
24  
25  
26



STIP & ORDER CONTINUING  
SENTENCING HEARING  
*United States v. David Randleston*  
CR 05-0217 SI